

## The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAP Co., Ltd.,

Plaintiff,

V.

## MICROSOFT CORPORATION,

**Defendant.**

No. 2:14-cv-01899-MJP

**STIPULATION AND JOINT  
MOTION TO STAY  
PROCEEDINGS**

## **NOTE ON MOTION CALENDAR: June 15, 2015**

Plaintiff CAP Co., Ltd. (“CAP Co.”) and Defendant Microsoft Corporation (“Microsoft”) respectfully submit this stipulation for stay of proceedings and state as follows:

WHEREAS, on November 17, 2014, CAP Co. filed suit in the Northern District of California for infringement of the same patents asserted in this matter (*CAP Co., Ltd. v. McAfee, Inc.*, Case No. 3:14-cv-05068-JD and *CAP Co., Ltd., v. Symantec Corporation*, Case No. 3:14-cv-05071-JD) (collectively “California Cases”);

WHEREAS, on March 23, 2015, the Court in the California Cases entered an Order setting a schedule for Claim Construction to and including November 19, 2015 for a Markman hearing, and consolidating the briefing and argument of claim construction in those two cases;

**STIPULATION AND JOINT MOTION TO STAY PROCEEDINGS  
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1        WHEREAS, the Parties believe that staying the case pending claim construction in the  
2 California Cases may avoid duplication of effort and has the potential to narrow the scope of  
3 claim construction issues that need to be decided in this Court;

4        WHEREAS, the parties have continued to confer on a resolution of the issues raised in  
5 this lawsuit and believe that a claim construction of the Patents-in-Suit in the California Cases  
6 may facilitate settlement discussions, which, if successful, would avoid unnecessary burdens on  
7 the Court and unnecessary burdens and legal fees being borne by the parties;

8        WHEREAS, on June 15, 2015, the Parties filed a Joint Status Report informing the  
9 Court that the Parties had agreed on a schedule should the case not be stayed;

10      NOW, THEREFORE, the Parties, through their respective undersigned counsel, hereby  
11 stipulate, subject to the Court's approval, as follows:

12      (1) Plaintiff will serve its Amended Disclosure of Asserted Claims and  
13 Infringement Contentions on June 22, 2015 ("Amended Infringement Contentions");

14      (2) The Parties agree, subject to Court approval, that except for service of Amended  
15 Infringement Contentions, the case shall be stayed until 30 days after issuance of a final claim  
16 construction order in the California Cases;

17      Upon issuance of the claim construction order in the California Cases, the parties will  
18 meet and confer regarding a proposed schedule in this litigation and/or proposed continuance of  
19 the stay in this litigation and shall submit a Joint Status Report to the Court with the proposed  
20 schedule within 14 days of the expiration of the stay.

1 DATED this 15<sup>th</sup> day of June, 2015.

Respectfully submitted,

2 By: /s/ Philip P. Mann  
Philip P. Mann

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**Attorneys for Defendant Microsoft Corporation**

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2015 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Philip P. Mann	_____	U.S. Mail
Timothy J. Billick	_____	Hand Delivery
Mann Law Group	_____	Overnight Mail
1218 Third Avenue, Suite 1809	_____	Facsimile
Seattle, WA 98101	X	CM/ECF Notification
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Email: <a href="mailto:phil@mannlawgroup.com">phil@mannlawgroup.com</a>		
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*Attorneys for Plaintiff CAP Co., Ltd.*

DATED this 15<sup>th</sup> day of June, 2015.

/s/ *Stuart R. Dunwoody*

Stuart R. Dunwoody

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